

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

MICHAEL TOLBERT,

Plaintiff,

v.

Case No. 06-cv-527-JPG

D. CLARKS, JOHN EVANS, and SHERRY
HILE,

Defendants.

MEMORANDUM AND ORDER

This matter comes before the Court on the Report and Recommendation (R&R) (Doc. 40) of Magistrate Judge Philip M. Frazier recommending that the Court grant Defendants's Motions for Summary Judgment on the grounds of qualified immunity. The time for filing objections to the R&R has passed.

After reviewing a magistrate judge's report and recommendation, the Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in the report. Fed. R. Civ. P. 72(b). The Court must review *de novo* the portions of the report to which objections are made. "If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error." *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objection to the R&R. The Court has reviewed the entire file and finds that the R&R is not clearly erroneous. Accordingly, the Court hereby **ADOPTS** the R&R in its entirety (Doc. 40). Defendants's Motions for Summary Judgment are **GRANTED** (Docs. 31 and 33). The Clerk of Court is **DIRECTED** to enter judgment accordingly.

IT IS SO ORDERED.

DATED: December 11, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE